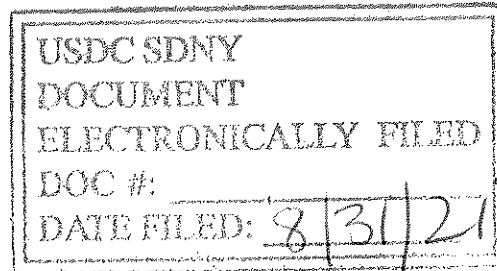


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



RITA PATRICK,

Plaintiff,

against

LOCAL 51, AMERICAN POSTAL
WORKERS UNION, AFL-CIO, et al,

Defendants.

CIVIL ACTION NO.: 19 Civ. 10715
(NSR)(PED)

~~CONFIDENTIALITY STIPULATION~~
~~AND PROPOSED~~ PROTECTIVE ORDER

WHEREAS, the Plaintiff subpoenaed certain records from the United States Postal Service ("USPS"), and the Court ordered USPS respond to Plaintiffs subpoena dated August 11, 2021, subject to and without prejudice for any objections pursuant to the Privacy Act, the USPS's *Touhy* regulation, and any other objections permitted under the Federal Rules of Civil Procedure.

WHEREAS, the Plaintiff and USPS having agreed to the following terms of confidentiality, and the Court having found that good cause exists for the issuance of an appropriately tailored confidentiality order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, it is hereby

ORDERED that the following restrictions and procedures shall apply to the information and documents provided by USPS to Plaintiff in connection with the Court Order and subpoena:

1. USPS Counsel may designate any document or information, in whole or in part, as confidential if counsel determines, in good faith, that such designation is necessary to protect the interests of the persons concerned from inappropriate disclosure of private and sensitive non-public information. Information and documents so designated will be stamped "CONFIDENTIAL."

2. The Confidential Information disclosed will be held and used by the person receiving such information solely for use in connection with the action.

3. Nothing in this Protective Order constitutes an admission by any party that Confidential Information disclosed in this case is relevant or admissible.

4. Documents designated as "CONFIDENTIAL" shall not be disclosed to any person, except:

- a. The requesting party and counsel;
- b. Employees of such counsel assigned to and necessary to assist in the litigation;
- c. Consultants or experts assisting in the prosecution or defense of the matter, to the extent deemed necessary by counsel; and

d. The Court (including the mediator, or other person having access to any Confidential Information by virtue of his or her position with the Court).

5. Prior to disclosing or displaying the Confidential Information to any person, counsel must:

- a. Inform the person of the confidential nature of the information or documents;
- b. Inform the person that this Court has enjoined the use of the information or documents by him/her for any purpose other than this litigation and has enjoined the disclosure of the information or documents to any other person; and
- c. Require each such person to sign an agreement to be bound by this Order in the form attached as Exhibit A.

6. The disclosure of a document or information without designating it as "Confidential" shall not constitute a waiver of the right to designate such document or information as Confidential Information. If so designated, the document or information shall thenceforth be treated as Confidential Information subject to all the terms of this Stipulation and Order.

7. Any Personally Identifying Information ("PII") (e.g., social security numbers/employee identification numbers, log-in identifications, account numbers, and information that may be used for identity theft), and all other Confidential Information considered private or non-public sensitive information (e.g., leave-related information and the like), provided in response to the subpoena shall be maintained by the receiving party in a manner that is secure and confidential and shared only with authorized individuals in a secure manner. In the event the party who received PII and Confidential Information experiences a data breach, it shall immediately notify USPS of same and cooperate with the producing party to address and remedy the breach.

8. At the conclusion of litigation, Confidential Information and any copies thereof shall be promptly (and in no event later than 30 days after entry of final judgment no longer subject to further appeal) returned to USPS or certified as destroyed, except that the counsel shall be permitted to retain their working files on the condition that those files will remain protected.

~~SO STIPULATED AND AGREED.~~

Dated: New York, New York 8/31, 2021

~~SO ORDERED.~~

United States Magistrate Judge

Exhibit A
Agreement

I have been informed by counsel that certain documents or information to be disclosed to me in connection with the matter entitled have been designated as confidential. I have been informed that any such documents or information labeled "CONFIDENTIAL" are confidential by Order of the Court.

I hereby agree that I will not disclose any information contained in such documents to any other person. I further agree not to use any such information for any purpose other than this litigation.

DATED:

Signed in the presence of:
(Attorney)